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Louisiana Revised Statutes
TITLE 40. PUBLIC HEALTH AND SAFETY
CHAPTER 10. GAS

Editor's Note: The text of the Revised Statutes printed herein was provided by the Liquefied Petroleum Gas Commission.

**PART I. LOUISIANA LIQUEFIED
PETROLEUM GAS COMMISSION**

**§1841. Creation of commission; domicile; membership;
terms; officers of commission**

A. The Liquefied Petroleum Gas Commission is hereby created. It shall have power to sue and be sued and shall be domiciled in the city of Baton Rouge. The commission shall consist of five members, one of whom shall be the secretary of the Department of Public Safety, who shall serve as an ex officio member; two members shall be appointed by the governor, and two members shall be appointed by the governor from a list of six or more names selected in the manner hereinafter provided by a majority vote of the liquefied petroleum gas dealers, as that term is hereinafter defined. In default of such nomination by the liquefied petroleum gas dealers, the governor shall make the appointments. All appointments by the governor shall be subject to confirmation by the Senate.

B. For the purpose of voting on the selection of the two members of the commission to be appointed by the governor, each liquefied petroleum gas dealer shall be entitled to one vote, to be cast by the person designated in a duly executed power of attorney from the dealer he represents. The power of attorney shall be filed with the commission and shall remain effective for such purposes until revoked. No person who is a liquefied petroleum gas dealer, or his partner, or employee shall be eligible for membership on the commission. This disqualification shall also extend to the officers, directors, and employees of any such corporate dealers.

C. Each of the four members appointed by the governor shall serve a term which shall be concurrent with the term of the governor making the appointment. Each appointment by the governor shall be submitted to the Senate for confirmation, and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation. The secretary of the Department of Public Safety shall serve for a term corresponding with the term of his official appointment. A majority of the membership shall constitute a quorum for the transaction of business.

D. The commission shall elect its chairman and vice chairman, and the director hereinafter provided for shall be the secretary of the commission.

(Acts 1950, No. 63, ' 1. Amended by Acts 1975, No. 49, ' 1; Acts 1978, No. 603, ' 1; Acts 1980, No. 735, ' 1, eff. July 29, 1980; Acts 1987, No. 552, ' 1.)

§1842. Definitions

As used in this Part:

(1) "Liquefied petroleum gases" are those gases derived from petroleum or natural gas, and are herein defined as those in the gaseous state at normal atmospheric temperature and pressure, and those maintained in the liquid state at normal atmospheric temperature by means of suitable pressure.

(2) "Liquefied petroleum gas dealers" means those persons, firms or corporations engaged in the storage, sale, or transportation of liquefied petroleum gases over the public highways of this state, in the installation of storage tanks or systems for the use of liquefied petroleum gases, and in the installation of liquefied petroleum gas appliances for the use of liquefied petroleum gases who are required, by this Part and the rules and regulations of the Liquefied Petroleum Gas Commission, to obtain the permit and furnish the insurance required by this Part as a prerequisite to the right to carry on their respective businesses.

(3) "Commission" means the Liquefied Petroleum Gas Commission created by R. S. 40:1841.

(4) "Retail station" means that portion of property where liquefied petroleum gases used as motor fuel are stored and dispensed from fixed equipment into liquefied petroleum gas fuel tanks of motor vehicles and where such dispensing is an act of retail motor fuel sale.

(5) "Motor fuel" means liquefied petroleum gases of a type distributed for use as a fuel in self-propelled agricultural or industrial equipment, and vehicles designed for use on public streets, roads, and highways.

(6) "Retail motor fuel sale" means the dispensing of liquefied petroleum gas motor fuel at a retail station to the general public for cash or credit. As used in this Subpart, retail motor fuel sale does not include the dispensing of liquefied petroleum gas motor fuel under a gas card-lock or fuel card-lock system or other system in which a purchaser, under a previously entered into contractual arrangement with the seller, is provided a card, key, or other item or device to unlock or operate the dispensing equipment when no employee is present on the premises.

(7) "End user" means any person, firm, or corporation which has the use of or legal authority or control over any system which utilizes liquefied petroleum gas as defined by this Section.

(8) "Liquefied petroleum gas system" means any tank, container, heat or cold producing device, appliance, or piping that utilizes or has liquefied petroleum gas connected thereto. As used in this Subpart, liquefied petroleum gas system shall include, but is not limited to, ranges, hot water heaters, air conditioners, containers, tanks, furnaces, spaceheaters, piping used in the transfer of liquefied petroleum gas from one point to another, internal combustion engines, both stationary and mobile, grain dryers, or any combination thereof.

(9) "Owner" means any person, firm, or corporation who holds a written bill of sale under which title was transferred to the subject property.

(Acts 1950, No. 63, ' 1. Amended by Acts 1975, No. 49, ' 1; Acts 1987, No. 552, ' 1; Acts 1990, No. 779, ' 1; Acts 1992, No. 323, ' 1, eff. June 17, 1992.)

§1843. Compensation of members

The members of the commission shall receive fifty dollars per diem for each day and an expense allowance in the same amounts as authorized by state general travel regulations for meals, lodging and mileage for state employees for attendance at meetings of the commission.

(Acts 1950, No. 63, ' 1. Amended by Acts 1979, No. 362, ' 1; Acts 1980, No. 766, ' 1.)

§1844. Meetings

The commission shall hold not more than one meeting per month at its domicile and no meeting shall be for longer than is absolutely necessary to transact the business of the commission, provided, however, that the commission may hold three of its monthly meetings at places in the state elsewhere than at its domicile.

(Acts 1950, No. 63, ' 1.)

§1845. Director; other personnel; salaries

For the enforcement of its rules and regulations and the provisions of this Part, the commission shall appoint a director and such other field inspectors as its work may require, and shall prescribe their duties and fix their compensation. It may appoint such secretarial, stenographic and clerical help as may be required to carry out the duties of the commission and shall fix their salaries.

(Acts 1950, No. 63, ' 1.)

§1846. Rules and regulations of commission; authority to make; printing and distribution; exceptions; reporting under Hazardous Material Development Information, Preparedness, and Response Act

A. Subject to the applicable provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, the commission has the power to make and enforce reasonable rules and regulations governing the storage, sale and transportation of liquefied petroleum gases over the highways of the state, the installation of tanks or systems for the use of liquefied petroleum gases, and the installation and use of liquefied petroleum gas appliances as the commission may deem necessary in the interest of public safety.

B. In adopting rules and regulations, the commission shall be governed by the following provisions:

(1) The commission may adopt, as its own, the published regulations of the National Fire Protection Association, or any other nationally recognized agency, by reference thereto, or it may adopt any other reasonable rules and regulations it deems necessary in the interest of public safety.

(2) The rules and regulations relating to design and construction of liquefied petroleum gas containers shall be in reasonably substantial conformity with recognized published national standards.

(3) The rules and regulations shall provide that a dealer shall not serve any liquefied petroleum gas system which the dealer knows is improperly installed or in a dangerous condition. The rules and regulations shall require the following provisions relative to liquefied petroleum gas systems:

(a) In the interest of safety and for the protection of life and property, any end user who authorizes the maintenance and/or repair, installation, adjustment, and servicing of a liquefied petroleum gas system in the state of Louisiana shall insure that any person, firm, or corporation that may be employed and/or authorized to make such repairs has a current permit or registration and cards of competency from the Louisiana Liquefied Petroleum Gas Commission to perform maintenance and/or repair, installation, adjustment and/or servicing of that system.

(b) Any end user authorizing any action listed in R. S. 40:1846 (B)(3)(a), where such actions are completed by any person, firm, or corporation other than the liquefied petroleum gas dealer who normally services the liquefied petroleum gas system, shall notify, as soon as possible, the servicing dealer authorized to service the affected liquefied petroleum gas system. This notification shall include:

(i) Name of the person, firm, or corporation that performed the service, and

(ii) Actions taken to the affected liquefied petroleum gas systems such as adding piping, spaceheaters,

and other such appliances. The end user shall make the described notification within five working days after completion of the action or before the liquefied petroleum gas system is next serviced with liquefied petroleum gas, whichever occurs first.

(c) It is unlawful for any person, firm, or corporation to repair, install, adjust, and/or service any liquefied petroleum gas system without meeting the requirements of the Louisiana Liquefied Petroleum Gas Commission.

(d) No person, firm, or corporation, except the owner thereof, or person, firm, or corporation authorized in writing by said owner, shall fill, refill, buy, sell, offer for sale, give, take, loan, dispose of, or traffic in, a liquefied petroleum gas container or tank.

(e) Any person, firm, or corporation convicted of violating any provision of this Paragraph shall be subject to penalties as provided in R. S. 40:1846.1 (E).

(4) The rules and regulations shall require each dealer to transmit a notice, once each year, to each customer stating that liquefied petroleum gas systems are potentially dangerous, that a leak in the system could result in a fire or explosion, and that systems should be inspected periodically.

(5) The rules and regulations shall require the odorization of liquefied petroleum gases in accordance with the following provisions:

(a) Except as otherwise provided in Subparagraph (b) of this Paragraph, each refinery, commercial storage facility, natural gas processing plant, pipeline, or other person which sells liquefied petroleum gas to a transporter, dealer, or distributor shall odorize the liquefied petroleum gas in accordance with this Chapter.

(b) Liquefied petroleum gas shall not be required to be odorized if it is to be delivered to a manufacturer, to any facility for further processing, or to a commercial storage facility for storage.

(c) Liquefied petroleum gas which is required to be odorized shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentrations in air of not over one-fifth the lower limit of combustibility.

(d) The odorization requirements shall be considered to be met by the use of one pound of ethyl mercaptan, one pound of thiophane, or one and four tenths pounds of amyl mercaptan per ten thousand gallons of liquefied petroleum gas, subject to the provisions of Subparagraph (e) of this Paragraph.

(e) In order to maintain the minimum concentration of odorant in the liquefied petroleum gas at the point of use by the consumer, the rules and regulations shall recommend that each person who is required to odorize gas under this Chapter use one and one-half pounds of odorant per ten

thousand gallons of liquefied petroleum gas at the point of odorization.

(6) The rules and regulations may authorize the use of other odorants which are equal in effectiveness to the odorants specified in this Chapter.

(7) The rules and regulations shall require each person which transports liquefied petroleum gas which is exempt from the odorization requirements of this Chapter to keep records of all purchases of unodorized gas for three years. The records shall include bills of lading, loading tickets, and records of all deliveries of unodorized gas. Each delivery ticket and bill of lading shall be identified by reference to the bill of lading number.

(8) The rules and regulations adopted by the commission shall not be in conflict with the provisions of this Chapter.

C. The rules and regulations adopted by the commission shall be printed in pamphlet form, shall be mailed to all liquefied petroleum gas dealers registered with the commission, and shall be mailed to any applicant therefor upon receipt of his request. These rules and regulations may be supplemented from time to time without having such supplementary regulations printed, but typewritten or reproduced copies of such supplements shall be distributed in the manner herein provided. No other form of promulgation shall be required to make such rules and regulations or supplements thereto effective; however, the effective date thereof shall be thirty days after the date of publication appearing on the pamphlet form or supplement unless a later effective date is specified therein.

D. The power of regulations vested in the commission shall not extend to the manufacture of liquefied petroleum gases, or to the manufacture of products of which liquefied petroleum gases form a component part, or to installations or storage or delivery of such gases within the plants site of any such manufacturer.

E. This Part does not apply to manufacturers of liquefied petroleum gases, as defined in R. S. 40:1846, who manufacture or purchase liquefied petroleum gases for use or consumption in their operations or who sell all or part of the liquefied petroleum gases so manufactured or purchased exclusively to resellers.

F. The commission shall cooperate with the deputy secretary of the Department of Public Safety and Corrections to develop a means of sharing data regarding the location of storage tanks and other relevant data necessary to implement the information management system required to be reported under R. S. 30:2361, et seq. The administrative costs of transferring this data to the information management system shall be paid by the commission out of permit fees presently collected by the commission.

(Acts 1950, No. 63, ' 1. Amended by Acts 1975, No. 49, ' 1; Acts 1983, No. 377, ' 1; Acts 1984, No. 214, ' 1, eff. June 29, 1984; Acts 1985, No. 435, ' 3, eff. July 11, 1985; Acts

1987, No. 552, ' 1; Acts 1992, No. 323, ' 1, eff. June 17, 1992, Act 1279.)

§1846.1. Powers of investigation; penalties; civil liability

A. The commission shall have the power to summon and compel the attendance of witnesses, to swear witnesses, to compel the production of books and papers directly connected with any violation of its regulations under investigation, to take testimony under commission, and to punish for contempt as fully as is provided by law for the district courts.

B. Each dealer facility subject to the regulation of the commission shall submit to an inspection by a representative of the commission at least once every three years, which inspections may be conducted without prior notice by the commission or its representative.

C.(1) No individual shall be subject to a criminal fine or imprisonment under this Chapter as a result of any willful and wrongful acts of a fellow employee or subordinate employee whose willful and wrongful act was carried out without the knowledge of the individual.

(2) Whoever is found to be guilty of any of the following acts shall be fined not more than fifty thousand dollars, or imprisoned with hard labor for not more than ten years, or both:

(a) Willful or knowing violation of a rule or regulation of the commission which endangers human life or health.

(b) Failure to properly odorize gas as required by this Chapter.

D.(1) Anyone violating this Chapter shall also be liable for all damages resulting from any fire or explosion involving that shipment.

(2) The liability imposed by this Section may not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of the liquefied petroleum gas.

E.(1) The commission may assess a civil penalty of not less than fifty dollars nor more than five hundred dollars for each violation of this Chapter or the rules and regulations adopted under the provisions of this Chapter.

(2) Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

(3) The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

(Acts 1983, No. 377, ' 1. Acts 1984, No. 214, ' 1, eff. June 29, 1984.)

§1847. Permits; bonds; insurance; reciprocal agreements

A.(1) Every person, firm, or corporation, as a prerequisite to his or its right to store, sell, or transport liquefied petroleum gases over the highways of the state of Louisiana or to his or its right to install storage tanks or systems for the use of liquefied petroleum gases, or to his or its right to install liquefied petroleum gas appliances, shall obtain a permit or registration from the commission and shall comply with the applicable requirements of the rules and regulations of the commission including the execution and filing of the insurance policy required herein with the commission. The registration applies only to plumbers who hold a masters plumber's license issued by the state of Louisiana, or mechanical contractors who hold a current occupational license from the proper issuing authority and who meets all rules and regulations of the Liquefied Petroleum Gas Commission.

(2) As a further prerequisite to the issuance of such permit or registration, the applicant shall furnish evidence of liability insurance in the minimum sum of one hundred thousand dollars covering the applicant's legal liability for such phases of his operations as the commission may require, but this shall not serve to lower any insurance requirements otherwise provided by law.

(3) In lieu of such insurance, the applicant may post with the commission bonds, or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the above amounts, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm, or corporation to which such legal liability may accrue.

B. The commission shall grant Class I liquefied petroleum gas dealer permits to nonresident applicants only after the commission has reached a reciprocal agreement with the liquefied petroleum gas regulating authority of the state in which the applicant resides. Such agreement shall provide for the granting of Class I dealer permits in that state to resident Louisiana liquefied petroleum gas Class I dealer applicants on an equal basis between the states for the granting of such permits. The granting of a Class I dealer permit by the commission to such nonresident applicant shall be subject to the provisions of such agreement. The provisions of such agreement shall not serve to reduce the requirements hereinabove prescribed for qualifying for Class I liquefied petroleum gas dealer permits to operate within the state of Louisiana.

(Acts 1983, No. 377, ' 1. Acts 1984, No. 214, ' 1, eff. June 29, 1984; Acts 1987, No. 552, ' 1., Act 1279.)

§1847.1 Permits; exemptions

A. No person, firm, or corporation engaged in the retail selling of farm tractors and other farm equipment using liquefied petroleum gas that are completely equipped and

delivered by the manufacturer shall be required to obtain a permit as required in R. S. 40:1847 prior to the selling of said equipment if the tractors and other farm equipment so sold are serviced by a duly authorized and licensed dealer in liquefied petroleum products. Any person, firm, or corporation hereby exempted from the requirement to obtain a permit may, however, make simple carburetor adjustments to farm tractors and other farm equipment sold by them.

B.1. Any person, firm, or corporation engaged in the business of plumbing who holds a "master plumber's" license issued by the state of Louisiana and is qualified to install liquefied petroleum gas or anhydrous ammonia piping, may install liquefied petroleum gas or anhydrous ammonia piping, and make alterations or modifications to existing piping systems only after complying with all of the following conditions:

a. The person, firm, or corporation is properly registered with the Liquefied Petroleum Gas Commission;

b. The person, firm, or corporation passes a competency examination and receives a card of competency from the Liquefied Petroleum Gas Commission.

c. The provisions of NFPA Pamphlet #54 (National Fuel Gas Code) and NFPA Pamphlet #58 (Standard for the Storing and Handling of Liquefied Petroleum Gas) and ANSI K 61.1 - 1989 are followed.

d. The applicable rules and regulations of the Liquefied Petroleum Gas Commission are followed.

e. All proper fees have been paid including a registration fee which registration fee shall not exceed thirty-seven dollars and fifty cents.

2. The provisions of this Subsection shall not apply to the sales of liquefied petroleum gases or anhydrous ammonia, or to the storage or transportation of liquefied petroleum gases or anhydrous ammonia over the highways of this state, or to the sales or installation of liquefied petroleum gas or anhydrous ammonia containers or tanks.

C.1. Any person, firm, or corporation engaged in the mechanical contracting business, and who is qualified to install liquefied petroleum gas or anhydrous ammonia appliances and equipment, may install liquefied petroleum gas or anhydrous ammonia appliances and equipment and make alterations and modifications to existing liquefied petroleum gas or anhydrous ammonia appliances and equipment, only after complying with all of the following conditions:

a. The person, firm, or corporation is properly registered with the Liquefied Petroleum Gas Commission;

b. The person, firm, or corporation passes a competency examination and receives a card of competency from the Liquefied Petroleum Gas Commission.

c. The provisions of NFPA Pamphlet #54 (National Fuel Gas Code) and NFPA Pamphlet #58 (Standard for the Storing and Handling of Liquefied Petroleum Gas) and ANSI K 61.1 - 1989 are followed.

d. The applicable rules and regulations of the Liquefied Petroleum Gas Commission are followed.

e. All proper fees have been paid including a registration fee which registration fee shall not exceed thirty-seven dollars and fifty cents.

2. The provisions of the Subsection shall not apply to the sales of liquefied petroleum gases or anhydrous ammonia, or to the storage or transportation of liquefied petroleum gases or anhydrous ammonia over the highways of this state, or to the sales or installation of liquefied petroleum gas or anhydrous ammonia containers or tanks.

(Added by Acts 1954, No. 718, ' 1., Act 1279.)

§1848. Revocation of permits

A. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of, or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked.

B. The commission may suspend or revoke the permit of any person who violates the provisions of R. S. 40:1846.1 (C)(2)(a) and (b) or who fails to pay any civil penalty imposed by the commission under the provisions of R. S. 40:1846.1 (E) within thirty days after the assessment becomes final.

C. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued.

D. A permit may be revoked or suspended only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

E. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation which gave rise to the suspension or revocation occurred.

(Acts 1983, No. 377, ' 1. Acts 1984, No. 214, ' 1, eff. June 29, 1984; Acts 1987, No. 552, ' 1; Acts 1987, No. 857, ' 1.)

§1849. Permit fees; minimum; maximum; transport registration fees; personnel qualification fees

A. Every applicant for a permit shall, at the time of the issuance of the permit by the Liquefied Petroleum Gas Commission and annually thereafter pay to the commission a permit fee which shall be fixed by the commission in an amount which shall not exceed four-tenths of one percent of the gross annual sales of liquefied petroleum gas of such dealer or permit holder. The minimum permit fee shall be not less than seventy-five dollars. No permit or renewal

permit shall be issued by the commission except upon payment of such fee as herein provided. The commission may formulate and enforce necessary rules and regulations for the renewal of permits and the collection of the fees.

B. No tanker truck with a water capacity of one thousand gallons or more shall be used to transport liquefied petroleum gas, including anhydrous ammonia, in Louisiana until it has been registered with the Liquefied Petroleum Gas Commission and an annual registration fee of twenty-five dollars for each vehicle has been paid therefor to the Liquefied Petroleum Gas Commission. Upon payment of the fee, the commission shall issue a registration decal valid for the year of issuance. This registration decal shall be permanently affixed to the motor vehicle in a prominent location as provided by the regulations which the commission shall adopt. No dealer shall deliver any liquefied petroleum gas to or receive any liquefied petroleum gas from any transport motor vehicle to which a current registration decal is not permanently affixed. No dealer shall deliver any liquefied petroleum gas from any transport motor vehicle to which a current registration decal is not permanently affixed.

C. All service and installation personnel, fuel transfer personnel, carburetion mechanics, and tank truck drivers employed by a dealer shall have successfully taken the personnel competency test administered by the commission and shall possess a current personnel competency card, which must be renewed annually. Each applicant to take the personnel competency test shall pay to the Liquefied Petroleum Gas Commission a personnel qualification fee of ten dollars, the payment of which shall entitle him to take the test one time and, upon receipt of a satisfactory score, shall be entitled to a personnel competency card valid for the year in which it is issued. Each applicant to renew his personnel competency card shall pay an annual renewal fee of five dollars to the Liquefied Petroleum Gas Commission.

D. The fees collected by the Liquefied Petroleum Gas Commission shall be transmitted to the state treasurer and deposited immediately upon receipt in the state treasury as provided in Article VII, Section 9 of the Louisiana Constitution of 1974. Funds collected under this Section shall be expended for all purposes provided for under this Part. Further, the commission shall designate funds sufficient to cover all reasonable administrative costs, as determined by the deputy secretary of Public Safety Services, of transferring data from the commission to the information system established under the Hazardous Materials Information Development, Preparedness and Response Act. The funds shall be transferred through an interagency transfer through the appropriate form and expedited procedures through the budgetary process.

(Acts 1950, No. 63, ' 1. Amended by Acts 1968, No. 495, ' 1; Acts 1977, No. 688, ' 1, eff. July 25, 1977; Acts 1978, No. 379, ' 1; Acts 1981, No. 846, ' 1. Acts 1983, 1st Ex. Sess., No. 33, ' 3, eff. Jan. 19, 1983; Acts 1985, No. 795, ' 2, eff. July 22, 1985; Acts 1985, No. 435, ' 3, eff. July 11,

1985; Acts 1987, No. 552, ' 1; Acts 1987, No. 560, ' 1; Acts 1989, No. 126, ' 1.)

§1850. Penalties

Any person, or the managing head of any firm or partnership, or the officer or employee of any corporation having direct control of such operation, who stores, sells, or transports over the public highways of Louisiana any liquefied petroleum gases without having first obtained the permit, filed the bond, and obtained the insurance herein required, or who installs any tank or system for the use of liquefied petroleum gases without having obtained such permit, filed such bond, and obtained such insurance, or who installs any liquefied petroleum gas appliance without having obtained such permit, filed such bond, and obtained such insurance, or who violates the requirements of R. S. 40:1849 (B), shall be guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall pay a fine of not more than five hundred dollars or be imprisoned in the parish jail for not more than sixty days, or both. This Section shall not apply to any of the aforesaid acts or operations which by law are placed beyond the regulatory powers of the Liquefied Petroleum Gas Commission.

(Acts 1950, No. 63, ' 1. Amended by Acts 1977, No. 688, ' 1, eff. July 25, 1977.)

§1851. Assessment

A. Subject to the provisions of this Section, there is hereby levied an assessment in the amount of five one-hundredths of one percent of the gross annual sales of liquefied petroleum gas of each person who holds a Class I or a Class IV permit. The assessment shall be determined in the same manner as the permit fee is determined.

B. The commission shall conduct a referendum on the question of whether or not the assessment shall be levied. The referendum shall be held within ninety days after September 3, 1989. Each permit holder who is subject to the payment of the assessment shall be eligible to vote in the referendum. The assessment shall be levied only if it is approved by a majority of the permit holders voting in the referendum.

C. The assessment shall be paid at the same time as the annual permit fees are paid.

D. Any permit holder who has paid the assessment may obtain a refund of the assessment by filing a request for a refund with the commission within thirty days after the date the assessment was paid.

E. The commission may deduct the expenses of collecting and administering the assessment, including the expenses of conducting the referendum, from the proceeds of the assessment. After making those deductions, the commission shall deposit and maintain the proceeds of the assessment in a separate interest bearing account.

F. The proceeds of the assessment and the interest earned on those proceeds shall be used for market

development and promotion of the use of liquefied petroleum gas.

G. The commission shall establish a board to advise the commission on the expenditure of funds under this Section. Each member of the advisory board shall be a holder of a Class I or Class IV permit who has not requested a refund. There shall be not more than nine members of the advisory board. Members shall not receive any compensation for serving on the advisory board.

H. If approved in the referendum, the assessment shall be valid for five years, but may be extended, in increments of five years, if reapproved in referenda held in accordance with this Section.

(Acts 1989, No. 280, ' 1.)

§1852. Regulations

A. The Liquefied Petroleum Gas Commission shall formulate, adopt, and promulgate rules and regulations for retail stations for the safe storage, handling, and use of liquefied petroleum gases used as motor fuels.

B. The rules and regulations shall be in substantial conformity with the applicable provisions of the published standards of the National Fire Protection Association covering the storage, handling and use of liquefied petroleum gases used as motor fuels.

(Acts 1990, No. 779, ' 1.)

§1853. Automatic dispensing prohibited; card-lock systems excepted; safety requirements.

A. The use of self-service, coin-operated, credit card, or any other pump-activating automatic fuel dispensing device is prohibited at any retail station for use by the general public.

B. The provisions of this Section shall not apply to motor fuel dispensed under a gas card-lock or fuel card-lock system or other system under which a purchaser is provided a card, key, or other item or device to unlock or operate the dispensing equipment under a previously entered into contractual arrangement with the seller.

C. A dealer or permit holder who enters into a contractual arrangement with a purchaser under a gas card-lock or fuel card-lock system or other item or device to unlock or operate the dispensing equipment shall provide the purchaser with written instructions and safe operating procedures. The dealer or permit holder shall caution the purchaser to study and preserve such instructions and procedures and to educate all those with access to the dispensing equipment, under his contract, on those instructions and procedures. Step-by-step operating instructions shall be posted at each dispenser, readily visible to the operator during transfer operations.

(Acts 1990, No. 779, ' 1.)

PART II. MALODORANTS

§1892. Malodorants required

All natural and other odorless gases shall be malodorized by the use of a malodorant in accordance with pipeline safety rules and regulations promulgated by the assistant secretary of the Office of Conservation of the Department of Natural Resources, or in the case of liquefied petroleum gas in accordance with R. S. 40:1846 (B)(5) and (6).

(Acts 1983, No. 377, ' 1. Acts 1984, No. 214, ' 1, eff. June 29, 1984.)

TITLE 3. AGRICULTURE AND FORESTRY

CHAPTER 10. FERTILIZERS

PART II. ANHYDROUS AMMONIA

§1351. Citation of Part

This Part shall be known as the "Anhydrous Ammonia Law of Louisiana".

(Acts 1990, No. 247, ' 1.)

§1352. Repealed by Acts 1972, No. 734, ' 10.

§1353. Definitions

A. Anhydrous ammonia in this Part is defined as follows: Anhydrous ammonia contains 82% nitrogen. At atmospheric pressure ammonia is a gas. It exists as a liquid below 28 degrees Fahrenheit, and boils at this temperature. In commerce, ammonia is compressed to a liquid and stored under pressure. The gauge pressure is 75 pounds per square inch at 50 degrees Fahrenheit and 197 pounds per square inch at 100 degrees Fahrenheit. The pressures exerted by anhydrous ammonia are dangerous unless the proper safety devices are installed in the equipment and care is used in handling it.

B.(1) Dealers in anhydrous ammonia in this Part are persons who buy and sell or distribute, at wholesale or retail, anhydrous ammonia to any person, including agencies, political subdivisions, and municipalities of the state. The provisions of this Part shall not apply to manufacturers of anhydrous ammonia who sell anhydrous ammonia exclusively to other manufacturers of anhydrous ammonia and to dealers as defined in this Subsection, except as provided in R. S. 3:1355 (B), relative to furnishing of bond.

(2) Dealers in anhydrous ammonia equipment in this Part are persons who buy and sell or distribute, at wholesale or retail, to users and consumers, including agencies, political subdivisions, and municipalities of the state, equipment used in the installation, storage, handling, utilization, and dispensing of anhydrous ammonia.

(3) Any person owning and maintaining storage facilities for anhydrous ammonia for his own use and accommodation, and for the use and accommodation of his tenant or sharecroppers to whom anhydrous ammonia is distributed without profit, is not to be classed as a dealer within the meaning and intent of this Part.

C. "Commission", as used in this Part, means the Liquefied Petroleum Gas Commission.

(Amended by Acts 1950, No. 182, ' 1; Acts 1952, No. 74, ' 3; Acts 1954, No. 526, ' 1; Acts 1990, No. 247, ' 1.)

§1354. Powers and duties of commission

A. The Liquefied Petroleum Gas Commission is vested with the authority to promulgate rules and regulations governing the storage, utilization, sale or transportation of anhydrous ammonia, the fabrication and installation of

systems for the storage and utilization of anhydrous ammonia, and installation of all other anhydrous ammonia equipment as the commission may deem necessary in the interest of public safety. In drafting such regulations, the commission may adopt for its own, in substance, the regulations or standards published by the Compressed Gas Association, Inc. of New York and/or the National Board of Fire Underwriters, or any other such nationally recognized agency. The rules and regulations adopted by the commission relating to the design or construction of anhydrous ammonia containers shall be in reasonable and substantial conformity with the American Society of Mechanical Engineers Code for Construction of Unfired Pressure Vessels and subsequent amendments, revisions, or modifications thereto. Such regulations shall not be extended to the manufacturers of anhydrous ammonia with respect to their operations and equipment on their plant site only, or the manufacturer of products of which anhydrous ammonia forms a component part, or the installation or storage or delivery of such gases within the plant site of any such manufacturer.

B. The Liquefied Petroleum Gas Commission is vested with the duty of administering and enforcing the provisions of this Part and the rules and regulations adopted by the commission, to employ all necessary personnel or inspectors to enforce this law and the rules and regulations adopted by the commission, and such inspectors shall have the authority to enter the premises of all manufacturers of anhydrous ammonia equipment, dealers in anhydrous ammonia and equipment, and farmers for inspection purposes from time to time as the commission deems necessary or advisable in enforcing the provisions of this law and the rules and regulations of the commission.

C. The commission shall have the right to injunctive relief to prevent the continuing violation of, or failure to comply with the law or any of the rules and regulations of the commission. Any suits for injunctive relief shall be filed in the parish in which such violations occur or in the parish in which the violator is domiciled or has his principal place of business.

(Amended by Acts 1950, No. 182, ' 2; Acts 1952, No. 74, ' 4; Acts 1964, No. 412, ' 1; Acts 1990, No. 247, ' 1.)

§1355. Restrictions on sale of anhydrous ammonia; permit; bond; insurance

A. No person shall engage in business as a dealer in anhydrous ammonia or as a dealer in equipment used in the handling of anhydrous ammonia, as herein defined, within the state of Louisiana, without first having obtained a permit from the Liquefied Petroleum Gas Commission. This permit shall be issued only after the proper written application has been completed and filed, fees paid to the commission, and after all other requirements for such dealers have been complied with by the applicant.

B. Before engaging in business as a dealer, the applicant shall satisfy the commission that he is financially responsible. This provision as to financial responsibility will be complied with by filing with the commission evidence that the applicant has applied for insurance, and that his application has been approved, on standard contract forms, and a policy is to be issued by an insurance company licensed to do business in the state in such kind and for such limits as may be prescribed by the commission.

(Amended by Acts 1950, No. 182, ' 3, ' 4; Acts 1952, No. 74, ' 5; Acts 1958, No. 197, ' 1; Acts 1982, No. 124, ' 1, eff. Jan. 1, 1983; Acts 1990, No. 247, ' 1; Acts 1993, No. 586.)

§1356. Permit fee

A. Every dealer shall annually, on or before the first day of the second month following the end of the permit period, pay to the Liquefied Petroleum Gas Commission a permit renewal fee which shall consist of a basic fee of three hundred dollars or a percentage fee of one-half of one percent of the gross annual sales of anhydrous ammonia during the preceding permit year, whichever is greater. A manufacturer of anhydrous ammonia, who is also a dealer within the meaning of this Part, shall not include within the term "gross sales" for the purpose of computing the permit fee as a dealer, those sales of anhydrous ammonia made by such manufacturer to other manufacturers of anhydrous ammonia. No permit nor any renewal thereof shall be issued by the commission except upon the payment of such fee.

B. Any person commencing business as a dealer shall pay the basic permit fee as provided for in this Section, which shall be valid for one calendar year from the date of issue, and shall be renewed annually thereafter as provided in Subsection A of this Section.

C. The Liquefied Petroleum Gas Commission is hereby granted the authority and power to formulate and enforce necessary rules and regulations for the collection of said fees and shall remit all fees collected to the state treasury as provided for in Article VII, Section 9 (A) of the Constitution of Louisiana.

(Amended by Acts 1950, No. 182, ' 5; Acts 1952, No. 74, ' 6; Acts 1954, No. 526, ' 1; Acts 1982, No. 124, ' 1, eff. Jan. 1, 1983; Acts 1985, No. 795, ' 1, eff. July 22, 1985; Acts 1990, No. 247, ' 1; Acts 1993, No. 586.)

§1357. Penalty

Whoever violates a provision of this Part shall be fined not less than fifty nor more than five hundred dollars.

(Amended by Acts 1993, No. 586.)

Title 55

PUBLIC SAFETY

Part IX. Liquefied Petroleum Gas

Chapter 1. General Requirements

Editor's Note: This Chapter applies to all classes of permits.

Subchapter A. New Dealers

§101. Prerequisite

As a prerequisite to engage in the liquefied petroleum gas business in the state of Louisiana, an applicant shall first comply with the applicable rules and regulations of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974.

§103. Definitions

The following terms, as used in this part, have the meanings listed below:

Appliance Any device that utilizes gas as a fuel or raw material to produce light, heat, power, refrigeration, or air conditioning.

Applicant A person, firm, or corporation who has applied for a permit or registration with the Liquefied Petroleum Gas Commission.

Approved Approved by or acceptable to the *authority having jurisdiction*. This normally means that equipment or materials that are listed or labeled have been specifically approved by the *authority having jurisdiction*.

ASME American Society of Mechanical Engineers.

Authority Having Jurisdiction (AHJ) The organization, office, or individual responsible for approving equipment, an installation, or a procedure. In Louisiana the AHJ is the Liquefied Petroleum Gas Commission, the Office of the Director of the Liquefied Petroleum Gas Commission.

Cargo Tank A container used to transport liquefied petroleum gas over a highway as liquid cargo, either mounted on a conventional truck chassis or as an integral part of a transporting vehicle in which the container constitutes in whole, or in part, the stress member used as a frame.

Container Any vessel, including cylinders, tanks, portable tanks, and cargo tanks used for the transporting or storing of liquefied petroleum gas.

Dealer or Permit Holder Any person, firm, or corporation who holds a permit or registration to enter into

any phase of the liquefied petroleum gas business in the state of Louisiana.

End User Any person, firm, or corporation which has the use of or legal authority or control over any system which utilizes liquefied petroleum gas.

Installation When used in the context of an existing thing, the same as system or liquefied petroleum gas system (see definition of *system* or *liquefied petroleum gas system*).

Installation When used in the context of an action, the art of installing or setting up for use or service.

Labeled Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the *authority having jurisdiction* and concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling manufacturer indicates compliance with appropriate standards or performance in a specified manner.

Listed Equipment or materials included in a list published by an organization acceptable to the *authority having jurisdiction* and concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been listed and found suitable for use in a specified manner.

New Dealer Any person, firm, or corporation that does not hold a permit or registration to engage in the liquefied petroleum gas business as of the date of their application.

Places of Public Assembly Places where the egress is open to the public. This definition includes, but is not limited to, bars, restaurants, service stations, grocery stores, schools, churches, hospitals, sales offices, nursing homes, and other similar places. This definition is not intended to include places that limit public access.

Pressure Test An operation performed to verify the gas tight integrity of gas piping following its installation or modification.

Qualified Agency Any person, firm, or corporation which is engaged in and is responsible for the installation or replacement of liquefied petroleum gas piping, tanks, containers, the connection, installation, repair, or servicing of equipment or appliances and is experienced in such work and familiar with all precautions required and has complied with all the requirements of the authority having jurisdiction.

Reseller or Wholesaler

a. any person, firm, or corporation who holds title or ownership of liquefied petroleum gas as it leaves the facility or plant:

- i. of a manufacturer of liquefied petroleum gas;
- ii. of a manufacturer of products of which liquefied petroleum gas forms a component part; or
- iii. of a commercial storage facility.

b. any person, firm, or corporation who transfers such title or ownership to another without substantially changing the form of such liquefied petroleum gas; or

c. any person, firm, or corporation who transfers such title or ownership to a retail dealer for sale at retail.

i. this definition shall include a manufacturer of liquefied petroleum gas or a manufacturer of products of which liquefied petroleum gas forms a component part, if title or ownership transfers directly to a retail dealer for sale at retail.

ii. this definition shall not include a manufacturer of liquefied petroleum gas or a manufacturer of products of which liquefied petroleum gas forms a component part, if title or ownership transfers to a reseller.

Retail Dealer Any person, firm, or corporation who normally sells liquefied petroleum gas to an end user for consumption.

Retail Station That portion of property where liquefied petroleum gases used as motor fuel are stored and dispensed from fixed equipment into liquefied petroleum gas fuel tanks of motor vehicles and where such dispensing is an act of retail motor fuel sale.

System or Liquefied Petroleum Gas System Any tank, container, heat or cold producing device, appliance or piping that utilizes or has liquefied petroleum gas connected thereto. This includes, but is not limited to, ranges, hot water heaters, heaters, air conditioners, containers, tanks, furnaces, space heaters or piping used in the transfer of liquefied petroleum gas either in the vapor or the liquid state from one point to another, internal combustion engines, both stationary and mobile, grain dryers or any combination thereof.

Tank(s) Same as a *container(s)*.

Used Manufactured Home A manufactured home which is not being sold or offered for sale as new, which has been previously sold as new and is used for residential purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public

Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:459 (March 1998).

§105. Applications

Any person, firm, or corporation desiring to enter the liquefied petroleum gas business in the state of Louisiana must file formal application with the Liquefied Petroleum Gas Commission. In the case of Class VI and Class VIII a formal application must be filed for each location. Other classes of permits and registrations require only one formal application to be filed. Formal application(s) must be filed for Class I, 90 days, and for Classes II, III, IV, V, VI, VII, VIII and IX, 30 days prior to the date of the commission meeting which the application is to be heard. Application for Classes VI-X, VII-E, and R-1, R-2 registrations have no delay prior to the granting of a permit. These permits will be granted by the office of the Director, upon complying with all Commission requirements, and ratified by the Liquefied Petroleum Gas Commission at the first subsequent Commission meeting. Presence of applicant or his authorized representative is required at the commission meeting when the application is heard, except in the cases of Class VI-X, VII-E, and R-1, R-2 registrations where appearance is waived. In no cases will the applicant's supplier be the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant to be represented by another party, other than a principal officer, director, manager, or attorney. The formal application form(s) will be furnished by the commission upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 24:460 (March 1998), LR 25:1262 (July 1999).

§107. Requirements

Before any permit or registration can be issued from the Office of the Director all applicants must have complied with or agree to comply with the applicable requirements as follows:

1. Must deposit filing fee of \$100 for Class I and IV; \$50 for Class VI-X and \$25 for all other classes and registrations. This fee must accompany application;

2. Application must have been approved by the Liquefied Petroleum Gas Commission except in the cases of Classes VI-X, VII-E and R-1, R-2 registrations then only after they have been ratified by the Liquefied Petroleum Gas Commission.

3. Must have on file in the office of the director a *certificate of insurance* signed by a Louisiana resident agent, showing kinds and amounts in force; said certificate shall be considered evidence of liability insurance coverage in the minimum sum of \$100,000; said certificate must bear the clause that in the event the insurance company intends to

cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 10 days prior to date of cancellation.

a. In lieu of such liability insurance coverage the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the minimum sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

b. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4.a. Where applicable, storage tank and location must be approved. Storage tanks may not be located inside corporate limits without written permission of the governing body.

b. All sketches or drawings of proposed bottle filling plants and/or liquid withdrawal systems must be submitted to the office of the director and approved before system is put into operation.

5.a. Where applicable, applicant must provide adequate transport and delivery trucks satisfactory to the commission. Each transport and/or delivery truck shall be inspected annually by the commission or other qualified agency acceptable to the commission. Each transport and/or delivery truck shall be equipped with at least two fire extinguishers of the dry chemical types having an aggregated capacity of not less than 24 pounds. Each transport and/or delivery truck shall have an annual registration fee of \$25 paid and a valid registration decal affixed to the transport or deliver truck.

b. All sketches of proposed installations, as required in other sections of these regulations, shall be submitted to the Office of the Director, showing all details of the proposed installation governed by these regulations. Sketches or drawings must be submitted to the Office of the Director and approved before installation can begin. The commission reserves the right to make a final inspection and witness a pressure test by an inspector of the Liquefied Petroleum Gas Commission.

6. Applicant must have paid a permit fee in the amount of \$75, except for Class VII-E, which shall be \$100, and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$75 for the first location, plus \$50 for each 2 - 11 locations, plus \$25 for each 12 - infinity locations. For succeeding years the permit fee shall be .2250 of 1 percent of annual gross sales of liquefied petroleum gases with a minimum of \$75, except in the case of Class VI-X which the minimum permit fee shall be \$75 for the first location, plus \$50 for each 2 - 11 locations, plus \$25 for each 12 - infinity locations; or .2250 of 1 percent of annual

gross sales of liquefied petroleum gases of all locations whichever is greater. For Classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$75, except registrations shall be \$37.50 per year.

a. Each Class I and Class IV dealer shall submit to the commission by the end of the following month, a report in a form acceptable to the commission, the previous month's purchases and sales. An additional five calendar days shall be granted for mail delays on these reports.

b. The reports of Class IV dealers shall contain the purchases and sales by total dollars and total gallons by company name. The reports of Class I dealers shall contain the purchases by total dollars and total gallons by company name and sales by total dollars only.

c. Any information so furnished shall be considered and held confidential and privileged by the Liquefied Petroleum Gas Commission, its director and/or his employees.

7. Persons in charge of operations must furnish proof satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission, that they have had experience in and are familiar with and will abide by all safety precautions necessary in the conducting of the business for which they are granted a permit.

8. All service and installation personnel, fuel transfer personnel, carburetion mechanics and tank truck drivers must have a card of competency from the Office of the Director. A card of competency will be issued to an applicant upon receipt of a \$10 examination fee and successfully completing the competency test, providing the applicant holds some form of identification acceptable to the commission. The commission may accept as its own a reciprocal state's examination which contains substantially equivalent requirements. This must be evidenced by a letter from the issuing authority or a copy of a valid card issued by the reciprocal state. All applicable fees must be paid prior to issuing the card.

a. All certificates of competency must be renewed annually by permit holder. There will be a charge of \$5 per card. After expiration, there will be a penalty of \$3 per card. There will be a charge of \$5 for replacing a lost card; a change of employer; or change of company name. A card with improper employer or company name shall not be valid.

b. All employees who are qualified by this commission and have been issued certificates of competency, shall have their certificates of competency on their person while on duty. Should an employee lose his card, dealer is to notify this office within 10 days for the issuance of a new card. If an employee terminates his employment with the dealer for whom the card is issued, the card must be picked up by the dealer and returned to this office immediately.

9. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The

commission reserves the right to demand that such knowledge and competency be proved by a written examination.

10. Where applicable must provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratory approved for liquefied petroleum gases. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

11. Applications for a change of name must be on file with the commission 30 days prior to date of commission meeting, and must deposit a filing fee of \$25 with application. A representative of the new firm or corporation will be required to be present when the application is considered by the commission. All certificates of competency must be changed to new name.

12. Any permit holder who does not actively engage in business for which permit was granted, for a period of six consecutive calendar months, may have his permit revoked by the Liquefied Petroleum Gas Commission.

13. The commission shall grant Class I Liquefied Petroleum Gas Permits to nonresident applicants only after the commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24: 2311 (December 1998), LR 25:1262 (July 1999).

§109. Compliance With Rules

A. Compliance with all other applicable rules and regulations will be required for all permit holders.

B. The commission may assess a civil penalty of not less than \$50 nor more than \$500 for each violation of the rules and regulations adopted by this commission. Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its ruling in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public

Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985).

§111. Re-application

Any person, firm or corporation who has made application for a permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may re-submit an application 90 days after date of denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:633 (December 1981).

§113. Classes of Permits and Registrations

The Liquefied Petroleum Gas Commission will issue upon application the following classes of permits and registrations upon meeting all applicable requirements of ' 107 and the following:

1. Class I. Holders of these permits may enter any phase of the liquefied petroleum gas business.

a. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. manufacturer's and contractor's property damage liability;
- iv. manufacturer's and contractor's public liability;
- v. automobile public liability;
- vi. automobile property damage.

b. Holders of these permits must provide a storage capacity for liquefied petroleum gas of not less than 15,000 gallons in one location, under fence, located within the dealer trade area within the state of Louisiana, and must show evidence of ownership of storage tank or a bona fide lease of five years minimum. This requirement shall not be retroactive.

c. Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

d. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

e. Compliance with all other applicable rules and regulations will be required.

f. The name of the dealer must appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer. At consumer premises, where the tank or the container is owned by the dealer, the dealer's name shall be

affixed. This requirement is considered met if documentation is provided, upon demand, that the dealer's name was affixed at the time of installation. Consumer premises requirement is not retroactive.

2. Class II. Holders of these permits may install, and service liquefied petroleum gas containers, piping, and appliances, but shall not deliver gas. This class will also apply to the installation and service of liquefied petroleum gas containers, piping, and appliances on mobile homes, motor homes, travel trailers or any other recreational vehicles.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. manufacturer's and contractor's property damage liability;
- iv. manufacturer's and contractor's public liability;
- v. automobile public liability;
- vi. automobile property damage.

b. The obligation of the manufacturers and dealers of mobile homes, motor homes, travel trailers, or any recreational vehicles is to comply with all safety standards and perform all safety tests on mobile homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

c. Upon delivery of a mobile home, motor home, travel trailer, or any other recreational vehicle, new or used, the required inspection and testing of any liquefied petroleum gas system and appliances shall be performed by the dealer, using liquefied petroleum gas in the system. An inspection report properly completed and signed by the customer must be sent to the director of the Liquefied Petroleum Gas Commission verifying that the tests were performed and that the pressure test was eye witnessed by the customer or his/her authorized representative.

d. The mobile home or recreational vehicle dealer is responsible to this commission to make the required inspection and test or make arrangements for it to be made by a qualified permit holder.

e. Compliance with all other applicable rules and regulations is required.

3. Class III. Holders of these permits may sell, install and service liquefied petroleum gas appliances with any auxiliary piping. They shall not deliver gas.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. manufacturer's and contractor's property damage liability;
- iv. manufacturer's and contractor's public liability;
- v. automobile public liability;
- vi. automobile property damage.

b. Compliance with all other applicable rules and regulations is required.

4. Class IV. Resellers (Wholesalers)CHolders of these permits may deliver, sell and transport liquefied petroleum gas over the highways of the state but can deliver to dealers only; utilize aboveground steel storage and/or approved salt domes, shale and other underground caverns for storage of liquefied petroleum gas; do general maintenance work on their own equipment using qualified personnel; but may not sell or install systems and appliances.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. manufacturer's and contractor's property damage liability;
- iv. manufacturer's and contractor's public liability;
- v. automobile public liability;
- vi. automobile property damage.

b. Compliance with all other applicable rules and regulations is required.

5. Class V. Carburetion Permit. Holders of these permits may install equipment, including containers, and service liquefied petroleum gas equipment used on internal combustion engines. They may not deliver liquefied petroleum gas.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. manufacturer's and contractor's property damage liability;
- ii. manufacturer's and contractor's public liability.

b. Compliance with all other applicable rules and regulations is required.

6. Class VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with

liquefied petroleum gas on their premises, but shall not deliver gas.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability.

b. Compliance with all other applicable rules and regulations is required.

7. Class VI-X. Holders of these permits may engage in the exchange of approved liquefied petroleum gas cylinders on their premises, but shall not fill cylinders. They shall not deliver gas.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability.

b. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the Liquefied Petroleum Gas Commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit will be issued. No dealer can hold a Class VI and a Class VI-X permit at the same location.

c. Compliance with all other applicable rules and regulations is required.

8. Class VII. Holders of these permits may transport liquefied petroleum gas by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state. This permit may be secured from the Office of the Director upon receipt of the following:

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. automobile public liability;
- ii. automobile property damage.

b. Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. Compliance with all other applicable rules and regulations is required.

9. Class VII-E. Holders of these permits may transport liquefied petroleum gas over the highways of the state of

Louisiana but may not sell product in the state. These permits are valid only for 90 days from date of issuance and may be secured from the Office of the Director.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. automobile public liability;
- ii. automobile property damage.

b. Compliance with all other applicable rules and regulations is required.

c. Check for Emergency Permit (valid for 90 days only) made payable to the Liquefied Petroleum Gas Commission in the amount of \$100 must be submitted. In the event the applicant desires to obtain a permanent Class VII, \$75 of the emergency fee will be applicable to the current year's fee.

10. Class VIII. Holders of these permits may store, transport and sell liquefied petroleum gas used solely in the cutting and metal working industry, sell and install piping and containers for those gases and engage in the filling of approved ASME tanks, ICC or DOT containers used in the metal working industry.

a. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. manufacturer's and contractor's property damage liability;
- iv. manufacturer's and contractor's public liability;
- v. automobile public liability;
- vi. automobile property damage.

b. Compliance with all other applicable rules and regulations is required.

11. Class IX. Holders of these permits may inspect, recertify and recondition DOT and ICC cylinders. They shall not sell or deliver liquefied petroleum gas or anhydrous ammonia.

a. Holders of these permits must obtain from U.S. Department of Transportation a Retesters Identification Number, and provide proof of such to the commission.

b. Holders of these permits must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability.

c. Holders of these permits must provide drawing and description of equipment to be installed to retest cylinders. Drawing and description must be submitted to the Office of the Director of the Liquefied Petroleum Gas Commission for his approval before installation.

d. Holders of these permits must maintain an accurate log of all cylinders that have been retested by date, size, manufacturer name, and serial number. The commission reserves the right to inspect such logs at any time through its representative.

e. Compliance with all other applicable rules and regulations is required.

12. Registration 1 (R-1). Holders of these registrations must be a person, firm, or corporation who is engaged in the business of plumbing and holds a master plumber's license issued by the state of Louisiana. They may install liquefied petroleum gas or anhydrous ammonia piping and make alterations or modifications to existing piping systems. These registrations shall be issued by the Office of the Director upon meeting the applicable requirements of ' 107 and the following:

a. Holders of these registrations must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

i. manufacturer's and contractor's property damage liability;

ii. manufacturer's and contractor's public liability.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989.

c. Compliance with all other applicable rules and regulations of the Liquefied Petroleum Gas Commission is required.

13. Registration 2 (R-2). Holders of these registrations must be a person, firm, or corporation engaged in the mechanical contracting business. They may install liquefied petroleum gas and/or anhydrous ammonia appliances and equipment, and make alterations or modifications to existing liquefied petroleum gas and/or anhydrous ammonia appliances and equipment. These registrations shall be issued by the office of the director upon meeting the applicable requirements of ' 107 and the following.

a. Holders of these registrations must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

i. products property damage liability;

ii. products public liability;

iii. manufacturer's and contractor's property damage liability;

iv. manufacturer's and contractor's public liability.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989.

c. Compliance with all other applicable rules and regulations of the Liquefied Petroleum Gas Commission is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended and promulgated LR 3:315 (July 1977), amended LR 7:633 (December 1981), LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993), LR 20:1400 (December 1994), LR 21:704 (July 1995), LR 24:464 (March 1998).

Subchapter B. Dealers

§115. Compliance With Rules and Act

All dealers must comply with R.S. 40:1841-1853 of the Revised Statutes, as amended, and the rules and regulations of the Liquefied Petroleum Gas Commission in order to obtain a permit or to avoid the revocation of a permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989), LR 24:464 (March 1998).

§117. Revocation of Permits

A. The commission may revoke or suspend a permit only by a ruling of the commission based on an adjudication hearing held in accordance with the Administrative Procedure Act. The following are causes for revocation or suspension of a permit:

1. when the commission has assessed two or more penalties against a dealer for wilful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of or failure to comply were committed after the imposition of the first penalty;

2. willful or knowing violation of a rule or regulation of the commission which endangers human life or health;

3. failure to properly odorize gas as required by R.S. 40:1846;

4. failure to provide insurance or proof of insurance as required;

5. failure to pay permit fees as required;

6. failure to pay any civil penalty imposed by the commission under provisions of R.S. 40:1846.1(E) within 30 days after the assessment becomes final.

B. The commission, after 15 days' notice to appear before it for trial and trial held, may impose a fine in lieu of revocation or suspension of a permit.

C. Any dealer who continues to operate after such permit is revoked or during period of such suspension shall be liable to prosecution under provisions hereof in the same manner as if no such permit had ever been issued.

D. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which violation which gave rise to the suspension or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:464 (March 1998).

§119. Permit Fees

All fees, called for by R.S. 40:1849 must be paid before new permit will be issued each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 16:1063 (December 1990).

§121. Expiration of Permit

After the expiration of a permit renewal fee date, by five days, any dealer continuing in operation without payment of the fee, as required by law, shall be considered as operating in violation of R.S. 40:1841-1853 of the Revised Statutes and the rules and regulations of the Liquefied Petroleum Gas Commission. The commission may invoke the applicable provisions of ' 117.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 16:1063 (December 1990), LR 24:464 (March 1998).

§123. Qualified Personnel

All service, installation, fuel transfer personnel, carburetion mechanics, transport and delivery truck drivers must have a card of competency from the Office of the Director. New employees must not make installations, service equipment, handle or deliver gas until they have passed the examination given by the Office of the Director or furnished proof to the Office of the Director of their

qualifications by another qualified agency acceptable to the commission and a card showing their competency has been issued to them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:464 (March 1998).

§125. Report Accidents and Fires

A. Any accident involving a dealer in the liquefied petroleum gas business shall be reported by that dealer in writing to the office of the director as soon as possible but not later than 48 hours.

For example: accidents involving the transportation of gas, injury to employees, property damages, or injuries to other persons, etc.

B. Any fire in which liquefied petroleum gas is directly or indirectly involved must be reported in writing to the Office of the Director by the dealer servicing that installation within 48 hours of knowledge of the fire, preferably immediately, so that it can be investigated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998).

§127. Insurance

A. Insurance requirements for all persons, firms, or corporations with the same class permit or registration shall be the same. New dealer insurance requirements shall be the same as existing dealer requirements.

B. The commission may invoke the applicable provisions of ' 117 when insurance requirements are not met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998).

§129. Odorizing Gases

Odorizing GasesCLiquefied petroleum gases shall be odorized in accordance with the following provisions:

1. Except as otherwise provided in Paragraph 2 of this Subsection, each refinery, commercial storage facility, natural gas processing plant, pipeline, or other person which sells liquefied petroleum gas to a transporter, dealer or distributor shall odorize the liquefied petroleum gas in accordance with this Section.

2. Liquefied petroleum gas shall not be required to be odorized if it is to be delivered to a manufacturer, to any

facility for further processing, or to a commercial storage facility for storage.

3. Liquefied petroleum gas which is required to be odorized shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of combustibility.

4. The odorization requirement shall be considered to be met by the use of one pound of ethyl mercaptan, one pound of thiophane, or 1.4 pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas, subject to the provisions of Paragraph 5 of this Subsection.

5. In order to maintain the minimum concentrations of odorant in the liquefied petroleum gas at the point of use by the consumer, the rules and regulations recommend that each person who is required to odorize gas under this Section use 12 pounds of odorant per 10,000 gallons of liquefied petroleum gas at the point of odorization.

6. The commission may authorize the use of other odorants which are equal in effectiveness to the odorants specified in this section.

7. The commission shall require each person who transports liquefied petroleum gas that is exempt from the odorization requirements of this Section to keep records of all purchases of unodorized gas for three years. The records shall include bills of lading, loading tickets and records of all deliveries of unodorized gas. Each delivery ticket and bill of lading shall be identified by reference to the bill of lading number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:558 (May 1985).

§131. Compliance With Rules

Compliance with all other rules and regulations will be required for all permit holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974.

§133. Must Purchase Containers Manufactured by Manufacturers Acceptable to the Authority Having Jurisdiction

A. All liquefied petroleum gas containers purchased must be manufactured by a manufacturer acceptable to the Liquefied Petroleum Gas Commission. A list of such manufacturers will be furnished by the commission upon request.

B. A manufacturer of liquefied petroleum gas containers will be listed by the commission as acceptable when it has met or exceeded the requirements of Chapter 2, NFPA 58,

1995 Edition and provided documentation acceptable to the commission of the same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998).

§135. Condemnation of Tanks

Any liquefied petroleum gas storage container corroded, pitted or worn to 20 percent of the thickness of the head, shell plate, or stand pipe shall be condemned for further storage of liquefied petroleum gas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974.

§139. Liquefied Petroleum Gas Systems

A. A dealer shall not serve any liquefied petroleum gas system which the dealer knows is improperly installed or in a dangerous condition. All improper systems shall be corrected before the dealer services such system with fuel for the first time. A servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances that have been tested, checked and found in compliance with commission rules and regulations.

B. In the interest of safety and for the protection of life and property, any end user who authorizes the maintenance and/or repair, installation, adjustment, and servicing of a liquefied petroleum gas system in the state of Louisiana shall insure that any person, firm, or corporation that may be employed and/or authorized to make such repairs has a current permit or registration and cards of competency from the Louisiana Liquefied Petroleum Gas Commission to perform maintenance and/or repair, installation, adjustment and/or servicing of that system.

C. Any end user authorizing any action listed in ' 139.B, where such actions are completed by any person, firm, or corporation other than the liquefied petroleum gas dealer who normally services the liquefied petroleum gas system, shall notify, as soon as possible, the servicing dealer authorized to service the affected liquefied petroleum gas system. This notification shall include:

1. name of the person, firm, or corporation that performed the service; and

2. actions taken to the affected liquefied petroleum gas systems such as adding piping, space heaters, and other such appliances. The end user shall make the described notification within five working days after completion of the action or before the liquefied petroleum gas system is next serviced with liquefied petroleum gas, whichever occurs first.

D. It is unlawful for any person, firm, or corporation to repair, install, adjust and/or service any liquefied petroleum

gas system without meeting the requirements of the Louisiana Liquefied Petroleum Gas Commission.

E. No person, firm, or corporation, except the owner, thereof, or person, firm, or corporation authorized in writing by said owner, shall fill, refill, buy, sell, offer for sale, give, take, loan, dispose of, or traffic in, a liquefied petroleum gas container or tank.

F. No individual shall be subject to a criminal fine or imprisonment under '139 as a result of any willful and wrongful acts of a fellow employee or subordinate employee whose willful and wrongful act was carried out without the knowledge of the individual. Whoever is found to be guilty of any of the following acts shall be fined not more than \$50,000, or imprisoned with hard labor for not more than 10 years, or both:

1. willful or knowing violation of a rule or regulations of the commission which endanger human life or health;

2. failure to properly odorize gas as required by law and '129 of the rules and regulations of the Liquefied Petroleum Gas Commission.

G. Anyone violating '139 shall also be liable for all damages resulting from any fire or explosion involving that shipment. The liability imposed by '139 may not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of the liquefied petroleum gas.

H. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of, or failure to comply with, such rules and regulations, provided the second or succeeding penalty or penalties have been imposed for violations of, or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commission may suspend or revoke the permit of any person who fails to pay any civil penalty imposed by the commission under the provisions of R.S. 40:1846.1(E) within 30 days after the assessment becomes final. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred.

I. No dealer shall service a liquefied petroleum gas system, tank or another dealer after having received notification by the commission that the system, tank or dealer is not in compliance with these rules and regulations. Mailing of an All Dealers (AD) letter which states that a

system, tank or dealer is not in compliance, or certified letter stating the same shall constitute notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989), LR 24:465 (March 1998).

§141. Customer Notification

Each dealer shall transmit a notice once each year to each customer stating that liquefied petroleum gas systems are potentially dangerous, that a leak in the system could result in a fire or explosion, and that systems should be inspected periodically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:558 (May 1985).

§143. Inspections

Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission at least once every three years, which inspections may be conducted without prior notice by the commission or its representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:558 (May 1985).

§145. Dealer Permit Requirements

Permits required under these general requirements shall not be transferred. All dealers, regardless of operation, must hold a permit and may not operate under a permit of another dealer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:558 (May 1985).

Subchapter C. Manufacturers of Liquefied Petroleum Gas Containers

§147. Bond

All manufacturers of liquefied petroleum gas containers who would like to sell their containers in Louisiana must provide documentation, in writing, acceptable to the commission that their containers meet or exceed the requirements of Chapter 2, NFPA 58, 1995 Edition and other

applicable rules and regulations of the commission. This documentation may be in the form of blueprints and specifications showing compliance with Chapter 2, NFPA 58, 1995 Edition requirements or and affidavit affirming the same. Upon meeting the requirement, the manufacturer's name will be added to the approved manufacturers list for Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:634 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:466 (March 1998).

§151. Classification of Containers

Containers shall be designed and classified as provided in the applicable sections of the Chapter 2, National Fire Protection Association Pamphlet Number 58, 1995 Edition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:634 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:466 (March 1998).

§155. Data Reports

Manufacturers must mail two copies of the data report to the dealer making the purchase on the date of shipment.

The reverse side of each manufacturer's data report shall include the following form to be filled out by the manufacturer.

This vessel constructed in accordance with plans and specifications as shown on our drawing number.

Louisiana Liquefied Petroleum Gas Commission

Catalogue Number _____

Approved _____ 19 _____

Signed _____

(Name of Mfg.)

By _____

Title _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989).

Subchapter D. Forms and Reports

§159. Required Forms and Reports

The following are forms and/or reports required to be filed with the Office of the Director of the Liquefied Petroleum Gas Commission:

1. Installation Report must be filed with Office of the Director by the twentieth day of the month following the month of installation, on all installations or reinstallations of DOT and/or ASME containers. In the case of bulk storage tank installations, the installation report must be filed at the time of installation. Pressure tests are required to be documented on the installation report when a container is installed or reinstalled. In other cases where pressure tests are required (See ' 167 and ' 175), the pressure tests may be filed with the commission on an installation report form and noted as such. Pressure tests are not required to be filed, except in the case of installation or reinstallation of a container, but documentation of pressure tests are required to be maintained by the dealer if it has not been documented to the commission.

2. Sketches must be filed with the Office of the Director for initial approval and will be finally approved after installation by the Office of the Director prior to placing into service the following liquefied petroleum gas systems:

- a. school buses/mass transit vehicles;
 - b. dealer bulk storages;
 - c. liquid withdrawal systems, except systems for private use;
 - d. places of public assembly, schools, churches, hospitals, nursing homes and other similar systems (either liquid or vapor systems);
 - e. automatic dispensers used for motor fuel as required by LAC 55:IX.163.C;
 - f. each location of Class VI-X permit holders.
3. Reports of fires and accidents required by ' 125.
 4. Documentation as required by ' 147.
 5. Proof of insurance or financial security as required by ' 107.A.3 or ' 107.A.3.a.
 6. Drawings as required by ' 113.A.11.c.
 7. Reports as required by ' 107.A.6.a.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:559 (May 1985), LR 15:861 (October 1989), LR 24:466 (March 1998).

Subchapter E. Automatic Dispensers Used for Motor Fuel

§163. Automatic Dispensers Used for Motor Fuel

A. Automatic dispensers shall be permitted when a liquefied petroleum gas dealer enters into a contractual arrangement with a purchaser under a gas card-lock or other item or device to unlock or operate dispensing equipment for motor fuel when all requirements of this Section are met.

B. Automatic Dispensing Prohibited. The use of self service, coin operated, credit card or any other pump-activating automatic fuel dispensing device is prohibited at any retail station for use by the general public. The filling of ICC or DOT cylinders is prohibited.

C. A sketch must be submitted to the Office of the Director detailing within 150 feet of the dispenser and the fuel storage container. This sketch must include distances to buildings, roads, streets, property lines, railways, other flammables and the details of the dispensing unit and be approved before installation. After installation and before use the installation must be inspected and the sketch finalized by the Office of the Director.

D. Installations of Automatic Dispenser

1. Hose length shall not exceed 18 feet.
2. Dispensing device shall be located 10 feet from any dispensing device for Class 1 liquids.
3. All piping shall be schedule 80 and all pipe fittings shall be forged steel having a minimum design pressure of 2,000 psi.
4. An excess flow valve shall be installed in the liquid and vapor piping in such a manner that displacement of the dispenser will result in the shearing of such piping on the downstream side of the excess flow valve.
5. Automatic dispensing system shall incorporate an Emergency Shut-off Valve (ESV) upstream from the pump, installed in accordance with its manufacturer's instructions.
6. The transfer hose downstream from the meter shall incorporate a pull-away device.
7. Each automatic dispensing system shall include a switch which requires the operator's constant manual activation to maintain a fuel flow. Overriding of such switch is prohibited.
8. Step-by-step operating instructions and fire emergency telephone numbers shall be posted in a conspicuous place in the immediate vicinity of the automatic dispenser.
9. Immediate vicinity of automatic dispenser shall be well lit during all hours of darkness.
10. A dealer who installs an automatic dispenser shall provide contractual purchaser with written instructions to operate dispenser. The contractual purchaser shall be

cautioned to study and preserve such instructions and procedures, and to educate all those with access under his contract to the automatic dispenser in the proper operating procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1402 (December 1994), amended LR 24:467 (March 1998).

Subchapter F. Tank Trucks, SemiBTrailers and Trailers

§165. Measurement

A. All trucks delivering liquefied petroleum gas for domestic use shall be equipped with a suitable measuring device which shall be used to accurately gauge the amount of gas placed in each system, either by meter or by weight.

B. Truck meters shall be calibrated at least once every two years or every one million gallons of gas delivered, whichever occurs first. Calibration reports shall be retained by the dealer in his truck file for at least three years. The commission reserves the right to review calibration reports upon demand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1402 (December 1994), amended LR 24:467 (March 1998).

§166. Transport/Delivery Truck Registration Decals and Inspections

A. Dealers who operate transport/delivery trucks in the state of Louisiana shall file Form DPSLP 8045 (R 5/97) with the Office of the Director between the dates of February 1 and April 30 each year and pay the required annual registration fees. New equipment and equipment not registered during this period must be registered before operating over the highways of the state. Upon payment of the required fee, a registration decal will be issued on Form 8044 (R 5/97) by the Office of the Director to be displayed on the registered equipment. It shall be a violation of the commission rules to operate a transport or delivery truck over the highways without the registration decal affixed.

B. Safety inspections are required of all transport or delivery trucks requiring registration and shall be made by:

1. Louisiana Liquefied Petroleum Gas Commission inspector; or
2. documentation acceptable to the Office of the Director that a safety inspection has been performed by an acceptable qualified agency. This inspection must be performed within three months before or three months after registration with the commission. It shall be a violation of the commission rules not to have the required inspection or documentation to the commission of the required inspection.

Safety inspections by the Louisiana Liquefied Petroleum Gas Commission inspectors shall be free of charge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:467 (March 1998).

§167. "Out-of-Gas Customers" or Interruption of Service Procedure

When a delivery of gas is made to any on-site container which is out of gas or liquefied petroleum gas service was interrupted, the servicing dealer shall follow the following procedure.

1. When "out-of-gas customer" is not present:
 - a. shut off the container service valve;
 - b. place a tag on the container and the residence, or the building or the equipment the container services, indicating the container is out-of-service. The tag shall inform the gas customer to contact a liquefied petroleum gas dealer or other qualified agency to perform a leak check or test on the system as required before turning on the container. Further action is the responsibility of the customer. The customer has the choice of whether to call a qualified agency or assume the risk of turning it on himself.
2. When "out-of-gas customer" is present:
 - a. shut off the container service valve;
 - b. inform the gas customer the container is out of service and a qualified agency must perform a leak check or test on the system as required before turning on the container. Further action is the responsibility of the customer. The customer has the choice of whether to have the required check or test performed or assume the risk of turning it on himself.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:467 (March 1998).

§169. Maintenance

A. All piping and auxiliary equipment shall be maintained in good mechanical condition at all times so as to eliminate in so far as possible all hazards to safe operation.

B. Vehicle and all components of vehicle shall be maintained in good mechanical condition at all times so as to eliminate in so far as possible all hazards to safe operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994).

Subchapter G. Systems Utilizing ASME Containers

§171. Storage Capacity Requirements

The minimum capacity of storage containers shall be 100 gallon tank capacity for each 100,000 BTU appliance load. Exceptions to this rule must be approved by the director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994).

§173. Regulator Installation

A two-stage regulator or an integral two-stage regulator shall be required on all fixed piping system that serve 2 psi appliance systems (11 in. w.c.). Single-stage regulators shall not be installed in fixed piping systems after June 30, 1997. Other requirements of NFPA 58, 1995 Edition, Section 3-2.6, as well as exceptions are applicable in Louisiana. Two-stage regulation shall not be retroactive to June 30, 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:468 (March 1998).

§175. Pressure Test and Inspection Required

Pressure test and inspection of the system are required in the following cases and in the following manner.

1. New piping installation where no piping existed, no tank or appliances installed:
 - a. no underground piping shall be covered until after an inspection and pressure test are made;
 - b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 30 minutes. There shall be no loss of pressure;
 - c. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files.
2. New piping installation, where no piping existed, and installation of tank, without appliance installation or connection:
 - a. no underground piping shall be covered until after an inspection and pressure test are made;
 - b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 30 minutes. There shall be no loss of pressure;
 - c. retest piping, with tank connected, with water column of operating pressure of system;

d. search for leaks with an approved leak detector or leak detector solution. The use of matches or open flame is prohibited;

e. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files.

3. New piping, where no piping existed, installation of a tank and installation or connection of appliances:

a. no underground piping shall be covered until after an inspection and pressure test are made;

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 30 minutes. There shall be no loss of pressure;

c. appliance inspected for correctness as to design, construction and performance. Appliances connected and adjusted. Retest piping system and appliances, with tank connected, with water column of operating pressure with a water manometer, ounce gauge, or equivalent by turning off all appliance valves and turning off gas at the tank. There shall be no loss of pressure in the piping system during this 15-minute test;

d. search for leaks with an approved leak detector or leak detector solution. The use of matches or open flame is prohibited;

e. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files.

4. Existing piping with additional piping added no tank or appliances installed or connected:

a. no underground piping shall be covered until after an inspection and pressure test are made;

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 30 minutes. There shall be no loss of pressure;

c. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files.

5. Existing piping with additional piping added and installation of tank without appliance, installation or connection:

a. no underground piping shall be covered until after an inspection and pressure test are made;

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 30 minutes. There shall be no loss of pressure;

c. retest piping with tank connected with water column of operating pressure of system;

d. search for leak with an approved leak detector or leak detector solution. The use of matches or open flame is prohibited;

e. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files.

6. Existing piping with additional piping added, installation of tank and installation or connection of appliance:

a. no underground piping shall be covered until after an inspection and pressure test are made;

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 30 minutes. There shall be no loss of pressure;

c. appliance inspected for correctness as to design, construction, and performance. Appliances connected and adjusted. Retest piping system and appliances, with tank connected, with water column of operating pressure with a water manometer, ounce gauge, or equivalent by turning off all appliance valves and turning off gas at the tank. There shall be no loss of pressure in the piping system during this 15-minute test;

d. search for leaks with an approved leak detector or leak detector solution. The use of matches or open flame is prohibited;

e. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files.

7. Existing piping with installation of tank without appliances:

a. visually inspect container and piping;

b. test piping, with tank connected, with water column, of operating pressure of system;

c. search for leaks with an approved leak detector or leak detector solution. The use of matches or open flame is prohibited;

d. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files;

8. Existing piping with installation of tank and installation or connection of appliance:

a. visually inspect container and piping;

b. appliance inspected for correctness as to design, construction, and performance. Appliances connected and adjusted. Retest piping system and appliances, with tank connected, with water column of operating pressure with a water manometer, ounce gauge, or equivalent by turning off all appliance valves and turning off gas at the tank. There shall be no loss of pressure in the piping system during this 15-minute test;

c. search for leaks with an approved leak detector or leak detector solution. The use of matches or open flame is prohibited;

d. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files.

9. Existing piping, tank and appliances, first time service of a system of a new customer:

a. visually inspect container and piping;

b. appliance inspected for correctness as to design, construction, and performance. Appliances connected and adjusted. Test piping system and appliances with water column of operating pressure with a water manometer, ounce gauge, or equivalent by turning off all appliance valves and turning off gas at the tank. There shall be no loss of pressure in the piping system during this 15-minute test;

c. search for leaks with an approved leak detector or leak detector solution. The use of matches or open flame is prohibited;

d. the commission reserves the right to witness the pressure test through an inspector of the Liquefied Petroleum Gas Commission and/or be provided acceptable documentation upon demand that the pressure test was performed. Documentation is met if filed with the commission as provided in ' 159.A or maintained in writing by the dealer in his files;

e. when the new customer is not present and ' 175.A.9.a. - d cannot be performed. Service should be documented as required in an out-of-gas situation ' 167.A;

f. when the new customer is present but does not authorize the procedure of ' 175.A.9.a. - d the service should

be documented as required in an out-of-gas situation of ' 167.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), LR 24:468 (March 1998), LR 24:2312 (December 1998).

§177. Appliance Installation and Connections

A. Use of Approved Appliances. Domestic and commercial gas consuming appliances shall not be installed unless their correctness to design, construction and performance is certified by one of the following:

1. determined by a nationally recognized testing agency adequately equipped and competent to perform such services and shall be evidenced by the attachment of its seal or label to such gas appliance. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories (AGA) as evidenced by the attachment of its listing symbol or approval seal to gas appliances and a certificate or letter certifying approval under the abovementioned requirements or listing by Underwriter's Laboratories Inc. (UL) be considered as constituting compliance with the provisions of this Section.

2. approved by the Liquefied Petroleum Gas Commission.

B. Appliance Installation and Connection

1. An appliance shall be installed in accordance with its manufacturer's instructions.

2. In the absence of complete manufacturer's instructions on installation of any appliances, installation shall be in accordance with the edition of NFPA Number 54 the *National Fuel Gas Code* adopted by the commission.

C. Exceptions

1. Existing installations, where piping outlets and appliances were installed in accordance with regulations which were in effect at the time of such installation, shall remain approved. This exception includes the removal of existing appliances for servicing or replacement of appliances with the same type or of equal or better quality. This exception does not allow adding new piping, appliance locations, or new appliances where there was no pre-existing appliance without meeting ' 177.A and B.

2. Installation of Heaters in Residences. The following liquefied petroleum gas room heaters may be installed in a residence that is a one- or two-family dwelling and that is not a manufactured home (mobile home) or a modular home:

a. a listed wall-mounted liquefied petroleum gas unvented room heater equipped with an oxygen depletion safety shut-off system may be installed in the bathroom of a residential one- or two-family dwelling provided that the input rating shall not exceed 6,000 Btu per hour, and

combustion and ventilation air is provided in accordance with Paragraph 6.1(b) of the *National Fuel Gas Code, NFPA 54, 1992 Edition*;

b. a listed wall-mounted liquefied petroleum gas unvented room heater equipped with an oxygen depletion safety shut-off system may be installed in the bedroom of a residential one- or two-family dwelling provided that the input rating shall not exceed 10,000 Btu per hour, and combustion and ventilation air is provided in accordance with Paragraph 6.1(b) of the *National Fuel Gas Code, NFPA 54, 1992 Edition*.

3. Installation of Heaters in Used Manufactured Homes. Liquefied petroleum gas room heaters may be installed in used manufactured homes as follows: liquefied petroleum gas listed vented room heaters equipped with a 100 percent safety pilot and a vent spill switch or liquefied petroleum gas listed unvented room heaters equipped with factory equipped oxygen depletion safety shut-off system, but not in sleeping quarters or bathrooms; and when the installation of the heater is not prohibited by the appliance manufacturer's instructions and when the input rating of the room heater does not exceed 20 Btu per hour per cubic foot of space and combustion and ventilation air is provided as specified in Section 5.3 of the *National Fuel Gas Code, NFPA 54, 1992 Edition*.

4. Exceptions, other than those listed herein, shall be approved by the director of the Liquefied Petroleum Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:469 (March 1998).

Subchapter H. Specification for Liquefied Petroleum Gas Installations at Schools and Places of Public Assembly

§179. Requirements for Plans and Specifications

A. Sketches and specifications including plot plans shall be submitted to the Office of the Director of the Liquefied Petroleum Gas Commission for approval before installation.

B. Sketch and specifications must show the following:

1. type of building (frame, masonry, metal walls, etc.);
2. elevation from ground level to building;
3. the size and location of all gas piping and length of runs;
4. the size and location of the tank or container;
5. the location and Btu rating of all appliances;
6. the total Btu load;
7. all other details related to the proposed installation as required in ' 179.

C. The following is a clarification of the requirements for the replacement of tanks at schools and places of public assembly:

1. Where any additional piping or installation or change of an appliance occurs, it is necessary to submit new sketches to the Office of the Director of this commission.

2. Replacement of a storage tank or container by a smaller or larger capacity tank or container will require new sketches and approval from the Office of the Director.

3. Replacement of a tank or container of the same capacity at the same location will not require a new sketch.

4. In cases where a new sketch is not required, a letter stating the approximate information as to manufacturer, serial number, date of manufacture, capacity, and customer name and address will be accepted.

5. In all cases an installation report, as required, must be filed with the Office of the Director.

D. New sketches are not required when changing fuel suppliers of public assembly and no changes are made in the liquefied petroleum gas system.

E. The commission reserves the right to make a final inspection and witness a pressure test through an inspector of the Liquefied Petroleum Gas Commission before placing installation into service.

F. The minimum capacity of storage tanks or containers shall be 100 gallons capacity per each 100,000 Btu appliance load. Exceptions to this rule must be made by the director of this commission.

G. Fences are required for storage tanks or containers at all schools, nursing homes and churches. Fences may be required at other places of public assembly which are deemed necessary in the interest of public safety by the office of the director. All request for exemption from the requirement must be submitted, in writing, to the Office of the Director and approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1404 (December 1994), amended LR 24:470 (March 1998).

Subchapter I. Adoption of Standards

§181. National Fire Protection Association Pamphlet Numbers 54 and 58

A. The Liquefied Petroleum Gas Commission hereby adopts the *National Fuel Gas Code, 1992 Edition*. The National Fire Protection Association designation is NFPA 54:1992. The American National Standards Institute, Inc. designation is ANSI Z223.1-1992. The Liquefied Petroleum Gas Commission also adopts the National Fire Protection Association's *Standard for the Storage and Handling of Liquefied Petroleum Gases, 1995 Edition*. The National Fire Protection Association designation is NFPA 58 - 1995. The

American National Standards Institute, Inc. designation is ANSI/NFPA 58-1995.

B. The commission may adopt subsequent editions of these standards by a rule change in accordance with the Administrative Procedure Act.

C. Any published Liquefied Petroleum Gas Commission rules and regulations shall take precedence over the standards referenced and adopted in ' 181.A.

D. The commission reserves the right to make an exception to any rule adopted in ' 181.A, as it applies to local conditions as it deems necessary in the interest of public safety.

E. The following are exceptions to the standards referenced in ' 181.A:

1. with regard to ' 2.6.6, *Protective Coatings*, in NFPA 54-1992Cgalvanized pipe and fittings and copper pipe and fittings may be used;

2. with regard to ' 3.1.2, *Protection Against Damage*, in NFPA 54-1992Cpipe may be buried to the depth of the frost line and shall be protected against such mechanical injury where necessary;

3. with regard to ' 3.1.3, *Protection Against Corrosion*, in NFPA 54-1992Cthe provisions of ' 3.1.3 shall be considered met in Louisiana when galvanized or copper pipe is used;

4. with regard to ' 2-2.6.6, *Name and Emergency Service Telephone Number*, in NFPA 58-1995Cthe provisions of ' 2-2.6.6 shall be considered met in Louisiana when dealerBowned tanks on consumer premises have the dealer's name affixed. Consumer-owned tanks require no markings. See ' 113.A.1.f of these rules.

5. with regard to ' 3-9.3.10, *Emergency Shut-off of Power*, in NFPA 58-1995Cthe provisions of ' 3-9.3.10 shall be considered met in Louisiana if the operator has provided an alternative to shut off power in the event of a fire, accident or other emergency other than the switch(es) or circuit breaker(s) located at the dispenser(s);

6. with regard to ' 3-3.6.b, *Alternative to Fencing*, in NFPA 58-1995Cthe provisions of ' 3-3.6.b shall be considered met in Louisiana, if, as an alternative to fencing the operating area, suitable devices are installed, that can lock the discharge end of the transfer hose valve, prevent unauthorized operation of the pumping equipment and protect against vehicle impact in accordance with good engineering practice acceptable to the commission;

7. with regard to ' 3-9.3.9, *Shut-off Valve on End of Transfer Hose*, in NFPA 58-1995Cthe provisions of ' 3-9.3.9 shall be considered met in Louisiana if a listed quick-acting shut off valve with positive lock off or a listed globe valve is installed at the discharge end of the transfer hose.

8. With regard to §4-4.3.1, NFPA 58-1995CThe maximum permitted filling limit for any container, where practical, shall be determined by weight. DOT specification

cylinders of 100 lbs. propane capacity or less that are in commerce or transportation shall be filled by weight only. Exceptions:

a. DOT cylinders filled from bobtails at customer facilities if equipped for filling by volume and are not transported over the highways of the State of Louisiana. An example would be forklift cylinders filled by bobtails and used on premises and not placed in transportation over the highways of the State of Louisiana.

b. DOT cylinders filled by customers from customer tank facilities, if equipped for filling by volume and are not transported over the highways of the State of Louisiana. An example would be forklift cylinders filled by customers from their tanks and used on their premises and not placed in transportation over the highways.

c. DOT cylinders that are permanently affixed if equipped for filling by volume. An example would be motor fuel tanks or DOT cylinders permanently affixed to recreational vehicles.

9. With regard to §4-4.3.2, NFPA 58-1995C§4-4.3.2.a shall not be applicable in Louisiana. §4-4.3.2.b DOT specification cylinders of 100 lbs. propane capacity or more. (See DOT regulations requiring spot weight checks.)

10. With regard to §2-2.1.4.b, NFPA 58-1995CDOT cylinders of 100 lbs. or less shall not be refilled, continued in service, or transported unless they are properly qualified or requalified for L. P. Gas service, if they are in commerce or transportation. DOT cylinders of 100 lbs. or more shall not be refilled, continued in service or transported unless they are properly qualified or requalified for L. P. Gas service in accordance with DOT regulations, meaning in commerce and transportation. Qualification or requalification must be in accordance with C-3.2 of Appendix C, NFPA 58-1995.

11. Adding NFPA 58-1998, §2-3.1.5 as a supplement to NFPA 58-1995CIn Louisiana all new cylinders from 4 lbs. through 40 lbs. propane capacity fabricated after August 1, 1999 shall be equipped with a listed overfilling prevention device (OPD) and a fixed maximum liquid level gauge. All DOT cylinders now in use must be retrofitted with the overfilling prevention device (OPD) either when the cylinders are requalified under Louisiana regulations or by April 1, 2002. No cylinder shall be filled in Louisiana after April 1, 2002 unless equipped with an overfill prevention device (OPD). Lift truck cylinders and cylinders identified and used for welding and cutting gases are exempt from these provisions.

12. With regard to §6-2.2.7, NFPA 58 - 1995 editionCContainers having an individual water capacity not exceeding 108 lb (49kg) [nominal 45 lb (20 kg) LP-Gas] capacity transported in open vehicles and containers having an individual water capacity not exceeding 10 lb (4.5 kg) [nominal 4.2 lb (2 kg) LP-Gas] capacity transported in enclosed spaces of the vehicle shall be permitted to be transported in other than the upright position, however may not be transported in the upside down position or resting on their protective ring or protective collar. Containers having

an individual water capacity exceeding 108 lb (49 kg) [nominal 45 lb (20 kg) LP-Gas] capacity transported in open vehicles and containers having an individual water capacity exceeding 10 lb (45 kg) [nominal 4.2 lb (1.9 kg) LP-Gas] capacity transported in enclosed spaces shall be transported with the relief device in direct communication with the vapor space.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1404 (December 1994), amended LR 24:470 (March 1998), LR 25:1263 (July 1999).

§183. Use of Liquefied Petroleum Gas as a Refrigerant Prohibited

No person, firm, or corporation shall use, sell, or distribute a refrigerant containing liquefied petroleum gas for use in mobile air conditioning systems.

Mobile Air Conditioning System—mechanical vapor compression equipment which is used to cool the driver's or passenger's compartment of any motor vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 23:990 (August 1997).

Chapter 2. School Bus and Mass Transit Installations [formerly Chapter 12]

Editor's Note: This chapter applies to liquefied petroleum gas systems supplying liquefied petroleum gas to propel school buses and mass transit vehicles.

§201. Applications and Sketches of School Bus and Mass Transit Vehicles

A. Prior to the initial installation of a liquefied petroleum gas system used as a motor fuel system on any school bus or mass transit vehicle, either public or private, an applicant (the end user or dealer) shall submit an application and sketch to the Office of the Director for review and approval. When the end user is the applicant, the dealer making the installation must be stated on the application.

B. After review of the application and approval of the sketch by the Office of the Director the liquefied petroleum gas system may be installed. Any modifications, except routine maintenance of the system, shall require a new sketch and approval by the Office of the Director.

C. A registration fee of \$10 must be submitted with the application which includes the first year registration decal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 18:866 (August 1992), amended LR 24:471 (March 1998).

§203. Inspections

A. The Liquefied Petroleum Gas Commission requires that a final inspection of all newly installed systems be made by the Office of the Director or an acceptable qualified agency prior to placing in service. This final inspection must be documented to the commission.

B. The Liquefied Petroleum Gas Commission reserves the right to make inspections of all liquefied petroleum gas systems at any time.

C. All school bus/mass transit vehicles which use liquefied petroleum gas as a motor fuel shall be registered with the Liquefied Petroleum Gas Commission and shall be inspected annually by the Office of the Director or an acceptable qualified agency. An annual renewal registration fee of \$10 shall be paid to the Liquefied Petroleum Gas Commission upon the required annual inspection.

D. A liquefied petroleum gas dealer shall not fuel any school bus/mass transit vehicle covered under this chapter which has not been inspected as required or to which a current registration decal is not permanently affixed.

E. No liquefied petroleum gas system shall be placed into service which does not comply with this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 18:866 (August 1992), amended LR 24:471 (March 1998).

§205. Installation of Liquefied Petroleum Gas Systems Used As Engine Fuel System for School Bus/Mass Transit Vehicles

Installation of a liquefied petroleum gas system used as engine fuel system for school bus/mass transit vehicles shall be in accordance with the applicable sections of NFPA Number 58, 1995 Edition, Chapter 8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 18:866 (August 1992), amended LR 24:471 (March 1998).

§207. Fueling

A. Vehicles covered in this chapter are prohibited from being fueled at schools and other places of public assembly within 50 feet of the property line.

B. Vehicles are prohibited from being fueled while passengers are on board or while waiting to board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 18:866 (August 1992), amended LR 24:472 (March 1998).

Chapter 15. Sale, Storage, Transportation and Handling of Anhydrous Ammonia

Editor's Note: This Chapter applies specifically to the sale, storage, handling, and transportation of anhydrous ammonia over Louisiana highways and the sale, construction and use of anhydrous ammonia containers and equipment.

Subchapter A. New Dealers

§1501. Prerequisite

As a prerequisite to engage in the anhydrous ammonia business in the state of Louisiana, an applicant shall first comply with the applicable rules and regulations of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993).

§1503. Definitions

New Dealers C individuals, firms or corporations that do not hold a permit to engage in the anhydrous ammonia business as of the date of their application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993).

§1505. Applications

Any person, firm or corporation desiring to enter the anhydrous ammonia business in the state of Louisiana must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to date of commission meeting. Presence of applicant or representative is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. In the case of an applicant who currently holds a permit with this commission, presence of the applicant at the commission meeting is waived when the application is heard. Application form will be furnished by the commission upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993).

§1507. Requirements

Before any permit can be issued from the office of the director, all applicants must have complied with the following.

A. Must deposit filing fee of \$100 for Class A1; \$50 for Class A3; and \$25 for all others. This fee must accompany application.

B. Application must have been approved by the Liquefied Petroleum Gas Commission.

C. Must have on file in the office of the director a certificate of insurance signed by a Louisiana resident agent, showing kinds and amounts in force; said certificate shall be considered evidence of liability insurance coverage in the minimum sum of \$1,000,000 or \$5,000,000 depending on class; said certificate must bear the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 30 days prior to date of cancellation.

D. Where applicable, storage tank and location must be approved. Storage tanks may not be located inside corporate limits without written permission of the governing body.

1. All sketches or drawings of proposed bottle filling plants, liquid withdrawal systems and/or installations utilizing ASME containers must be submitted to the office of the director and approved before system is put into operation.

E. Where applicable, must provide adequate transport and delivery trucks satisfactory to the commission. Each transport and/or delivery truck shall conform to CFR 49 of the DOT specifications.

F. Must have paid permit fee in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of gross annual sales of anhydrous ammonia or \$300, whichever is greater.

G. Persons in charge of operations must furnish proof satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission, that they have had experience in and are familiar with and will abide by all safety precautions necessary in the conducting of the business for which they are granted a permit.

H. All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers must have a card of competency from the office of the director. A card of competency will be issued to applicant upon receipt of \$10 examination fee and successfully completing the test providing applicant holds a current driver's license.

1. All certificates of competency must be renewed annually by permit holder. There will be a charge of \$5 per card. After expiration, there will be a penalty of \$3 per card. There will be a charge of \$5 for replacing a lost card; change of employer; or change of company name. A card with improper employer or company name shall not be valid.

2. All employees who are qualified by this commission and have been issued certificates of competency shall have their certificates of competency on their person while on duty. Should an employee lose his card, dealer is to notify this office within 10 days for the issuance of a new card. If an employee terminates his employment with the

dealer for whom the card is issued, the card must be picked up by the dealer and returned to this office immediately.

I. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

J. Where applicable must provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratory or any other nationally recognized testing agency approved for anhydrous ammonia. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

K. Applications for a change of name must be on file with the commission 30 days prior to date of commission meeting and must deposit a filing fee of \$25 with application. A representative of the new firm or corporation will be required to be present when the application is considered by the commission. All certificates of competency must be changed to new name.

L. Any permit holder who does not actively engage in business for which permit was granted, for a period of six consecutive calendar months, may have his permit revoked by the Liquefied Petroleum Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:898 (July 1993).

§1509. Compliance with Rules

Compliance with all other applicable rules and regulations will be required for all permit holders.

1. The commission may assess a civil penalty of not less than \$50 nor more than \$500 for each violation of the rules and regulations adopted by this commission. Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its ruling in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:899 (July 1993).

§1511. Re-application

Any person, firm or corporation who has made application for a permit to enter the anhydrous ammonia business and whose request for permit has been denied, may re-submit an application 90 days after date of denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:899 (July 1993).

§1513. Classes of Permits

The Liquefied Petroleum Gas Commission will issue upon application the following classes of permits:

1. Class A1. Holders of these permits may enter any phase of the anhydrous ammonia business.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered, listing the names and addresses of the principal owners or, in the case of a corporation, the names and addresses of the principal officers and directors, and the agent of service. The name and address of the manager must also be furnished. Presence of the applicant is required at the commission meeting when the application is heard. Only with special approval of the commission, under extenuating circumstances, will the commission allow applicant to be represented by another party. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$100 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. manufacturer's and contractor's property damage liability;
- iv. manufacturer's and contractor's public liability;
- v. automobile public liability;
- vi. automobile property damage.

d. Storage tank and location must be approved. Storage tanks may not be located inside corporate limits without permission of the governing body.

e. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

f. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

g. All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers must have a card of competency from the office of the director.

h. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

i. Must provide adequate switch track of tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratories or any other nationally recognized testing agency approved for anhydrous ammonia. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

j. No truck shall be parked on a street or highway at night in any city, town or village, except that it be for the purpose of serving a customer, then only in an emergency.

k. Compliance with all other applicable rules and regulations will be required.

1. The name of the dealer or permit holder must appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer.

2. Class A2. Holders of these permits may install and service anhydrous ammonia containers, piping and appliances, but shall not deliver anhydrous ammonia.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$25 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. manufacturer's and contractor's property damage liability;
- iv. manufacturer's and contractor's public liability;
- v. automobile public liability;

vi. automobile property damage.

d. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

e. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

f. All service and installation personnel must have a certificate of competency from the office of the director.

g. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

h. Compliance with anhydrous ammonia law and all other applicable rules and regulations is required.

3. Class A3. Holders of these permits may engage in the filling of approved cylinders with anhydrous ammonia on their premises, but shall not deliver anhydrous ammonia.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$25 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability.

d. Storage tank and location must be approved. All tanks located in corporate limits must also be approved by the governing body.

e. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

f. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

g. All employees handling anhydrous ammonia must have a certificate of competency from the office of the director.

h. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator

of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

i. Compliance with all other applicable rules and regulations will be required.

4. Class A3-X. Holders of these permits may engage in the exchange of approved anhydrous ammonia cylinders on their premises, but shall not fill cylinders.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$50 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. products property damage liability;
- ii. products public liability;
- iii. automobile property damage liability;
- iv. automobile public liability.

d. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years, the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

e. Storage location must be approved. All tanks located in corporate limits must also be approved by the governing body.

f. Cylinder delivery trucks are to comply with CFR 49 of the DOT specifications.

g. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

h. All employees handling anhydrous ammonia must have a certificate of competency from the office of the director.

i. Compliance with all other applicable rules and regulations will be required.

5. Class A4. Holders of these permits may transport anhydrous ammonia by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state. This permit may be secured from the office of the director upon receipt of the following:

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be

considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$25 with application.

c. Must pay permit fee for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be \$300.

d. Must furnish evidence of liability insurance in the minimum sum of \$5,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. automobile public liability;
- ii. automobile property damage liability.

e. All trucks traveling in Louisiana shall conform to CFR 49 of the DOT specifications.

f. All transport trucks are subject to inspection and approval of the Liquefied Petroleum Gas Commission.

g. No truck shall be parked on a street or highway at night in any city, town, or village, except that it be for the purpose of serving a customer and this only in an emergency.

h. All transport and tank truck drivers must have a certificate of competency from the office of the director.

i. Compliance with all other applicable rules and regulations will be required.

6. Class A4-E. Holders of these permits may transport anhydrous ammonia over the highways of the state of Louisiana but shall not sell product in the state. These permits are valid only for 90 days from the date of issuance and may be secured from the office of the director upon receipt of the following:

a. Application must be submitted to the office of the Liquefied Petroleum Gas Commission;

b. Must deposit filing fee of \$25 with application;

c. Must pay emergency permit fee (valid for 90 days only) in the amount of \$325. In the event the applicant desires to obtain a permanent Class A4, \$300 of the emergency fee will be applicable to the current year's fee;

d. Must furnish evidence of liability insurance in the minimum sum of \$5,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

- i. automobile public liability;
- ii. automobile property damage liability.

e. All trucks entering the state of Louisiana shall be inspected by a field inspector from the staff of the commission and certified safe.

f. All trucks traveling in Louisiana shall conform to CFR 49 of the DOT specifications.

g. Operators of the equipment must pass appropriate examination.

h. Section 1505 of the rules and regulations is hereby declared non-applicable to the Class A4-E permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:899 (July 1993).

Subchapter B. Dealers

§1515. Compliance with Rules and Act

Dealers must comply with R.S. 3:1355 of the Louisiana Revised Statutes and the rules and regulations of the Liquefied Petroleum Gas Commission in order to obtain a permit and to avoid cancellation of said permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:901 (July 1993).

§1517. Fine

The commission, after 15 days notice to appear before them for trial, and trial held, may impose a fine in lieu of cancellation of permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1519. Expiration of Permit

After the expiration of permit fee date, any dealer continuing in operation without payment of the fee, as required by law, shall be considered as operating in violation of R.S. 3:1356 (A) of the Louisiana Revised Statutes and rules and regulations of the Liquefied Petroleum Gas Commission, and the commission may or may not renew, as in their judgment may decide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1521. Qualified Personnel

All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers must have a card

of competency from the office of the director. Where new persons are employed, they must not be placed in charge of making installations, servicing equipment, or delivering anhydrous ammonia until they have passed the examination given by the director and a card showing their competency has been issued to them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1523. Report Accidents

Any accident in the anhydrous ammonia business shall be reported in writing to the office of the director within 48 hours. For example, accidents involving the transportation of anhydrous ammonia, injury to an employee, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1525. Insurance

Insurance requirements for an individual firm or corporation having a permit shall be the same as required of a new dealer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1527. Compliance with Rules

Compliance with all other rules and regulations will be required for all permit holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1529. Condemnation of Tanks

Any anhydrous ammonia storage container corroded, pitted or worn to 20 percent of the thickness of the head, shell plate, or stand pipe shall be condemned for further storage of anhydrous ammonia, provided the shell thickness is not less than three-sixteenths inch.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1531. Improper Installation

A dealer shall not serve any anhydrous ammonia system which the dealer knows or should know is not installed pursuant to the Liquefied Petroleum Gas Commission regulations or is in a dangerous condition. All new installations or reinstallations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or equipment or use of poor piping design. All improper installations shall be corrected before the dealer services such installation or reinstallation with anhydrous ammonia for the first time. Any subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected equipment.

1. Anyone violating this section shall also be liable for all damages resulting from an accident or explosion involving that shipment. The liability imposed by this Section may not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of anhydrous ammonia.

2. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commission may suspend or revoke the permit of any person who violates the provisions of R.S. 3:1355 or who fails to pay any civil penalty imposed by the commission under the provisions of R.S. 3:1357 within 30 days after the assessment becomes final. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred.

3. No dealer shall service an anhydrous ammonia system, tank or another dealer after having received notification by the commission that the system, tank or dealer is not in compliance with these rules and regulations. Mailing of an AD letter which states that a system, tank or dealer is not in compliance, or certified letter stating the same shall constitute notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:902 (July 1993).

§1533. Customer Notification

Each dealer shall transmit a notice once each year to each customer stating that anhydrous ammonia systems are potentially dangerous, that a leak in the system could result in an injury and that systems should be inspected periodically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

§1535. Inspections

Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission, which inspections may be conducted without prior notice by the commission or its representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

§1537. Dealer Permit Requirements

Permits required under these general requirements shall not be transferred. All dealers, regardless of operation, must hold a permit and may not operate under a permit of another dealer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

§1539. Testing of Tanks

The director of the Liquefied Petroleum Gas Commission reserves the right to require an internal hydrostatic pressure test on bulk storage or nurse tanks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

§1541. Sketches

A. Three copies of all anhydrous ammonia installation plans and specifications including plot plans shall be submitted to the office of the director for approval before the job is begun.

B. Such plans must show the following:

1. the distance of container from line of adjoining property, highways, main line of railroads, places of public assembly, institutional occupancy (such as hospitals, nursing homes, schools) and dug wells;

2. size and location of tank;
3. the size and location of all pipe and the length of all runs;
4. all other details as related to the proposed installation as required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

§1543. Tags of Approval

A. Dealers shall inspect their customers' nurse tanks up to 3,000 gallons annually. A report showing proof of inspection shall be mailed to the office of the director by the twentieth of the month following inspection.

The above inspection shall be good for one year only.

B. Any bulk storage container (over 3,000 gallons) shall be inspected and tagged by an inspector of the Liquefied Petroleum Gas Commission on an annual basis.

The above inspection shall be good for one year only.

C. Any system being serviced for the first time shall be inspected in accordance with the provisions of Subsection A and B above, whichever may apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

Subchapter C. Forms and Reports

§1545. Installation Report

An installation report form shall be used for all installations and reinstallations of DOT and ASME containers, and must be filed with the office of the director of the Liquefied Petroleum Gas Commission by the twentieth day of the following month (except in the case of a bulk storage installation which shall be filed at the time of installation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

Subchapter D. Adoption of Standard

§1547. National Standard

A. The Liquefied Petroleum Gas Commission hereby adopts the American National Standards Institute, Safety Requirements for the Storage and Handling of Anhydrous Ammonia, CGA-G-2.1, ANSI K61.1 of 1989 except for Section 8 regarding systems mounted on railcar structures.

B. Any subsequent changes made to the above mentioned national standard shall become effective the date the standard is published.

C. Any published rules and regulations shall take precedence over the standard referenced in Subsection A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993).

Title 55

PUBLIC SAFETY

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